

HUMAN RIGHTS COMMISSION

**City Colleges of Chicago,
Respondent**

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CHARGE NO.: 2002 CF1403
EEOC NO.: 21BA 20691
ALS NO.: 11974

RECOMMENDED ORDER AND DECISION

This matter comes before the Commission after both parties did not appear at either of the last two status hearing dates for this case on September 25, 2003 and October 16, 2003. The U.S. Postal Service has not returned the Commission's order of September 25, 2003 sent to both parties by mail. There has been no activity in this case by either party since both Complainant and Respondent's counsel appeared on August 14, 2003, and this matter is now ready for a recommendation for disposition by the Commission.

Statement of the Case

The complaint in this case was filed on Complainant's behalf by the Illinois Department of Human Rights on December 27, 2002. Respondent filed its verified answer on February 25, 2003. A schedule of dates for the discovery process was entered on March 13, 2003. At the discovery status hearing on July 10, 2003, Complainant did not appear and Respondent reported that Complainant had not yet initiated discovery or responded to Respondent's discovery requests. At the continued status hearing on August 14, 2003, at which both parties appeared, Complainant, who appeared *pro se*, was given until September 12, 2003 to both initiate discovery and respond to Respondent's discovery requests. As noted above, neither

party has appeared at the two subsequent status hearings, nor is there any indication in the record that Complainant has complied with the order of August 14, 2003 with regard to discovery.

Findings of Fact

1. Neither Complainant nor Respondent has appeared at the last two scheduled status hearings for this case on September 23, 2003 and October 16, 2003.
2. No mail sent to either party has been returned as undeliverable by the U.S. Postal Service.
3. Complainant did not comply with the Commission's orders of March 13, 2003 and August 14, 2003 regarding discovery in this matter.
4. Neither party has provided the Commission with a notice of change of address.

Conclusions of Law

1. The Commission has jurisdiction over the parties in this matter.
2. The Commission is authorized to dismiss complaints with prejudice due to "the failure of a party to prosecute his or her case" Illinois Human Rights Act, 775 ILCS 5/8A-102(I)(6).
3. Because Complainant has failed to appear at the last two scheduled status hearings in this matter or to comply with the Commission's orders regarding discovery, there has been a failure "to prosecute his or her case" on the part of Complainant, thereby requiring dismissal of the complaint with prejudice.

Discussion

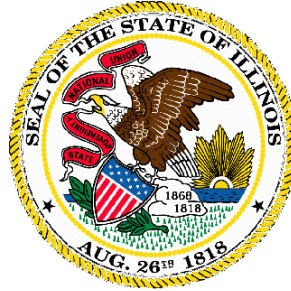
It is a fundamental principle governing practice before this Commission that it is the singular responsibility of complainants to diligently pursue the disposition of cases once they are docketed with the Commission. In this case, Complainant has failed to participate in the

prosecution of the case by not attending the last two scheduled status hearing dates and by not complying with the Commission's orders of March 13, 2003 and August 14, 2003 regarding discovery. It is recommended that this case now be dismissed because of the failure of Complainant to prosecute his case.

Recommendation

It is recommended that this case be dismissed with prejudice pursuant to the authority granted to the Commission in the Illinois Human Rights Act at 775 ILCS 5/8A-102(D)(6).

HUMAN RIGHTS COMMISSION



ENTERED:

October 16, 2003

BY: _____
DAVID J. BRENT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

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